

height at any point or portion thereof, and to be spaced as follows: first eight spaces from the bottom shall be not more than four inches in width, next three spaces shall be not more than five inches apart, next space six inches, next space seven inches, next two spaces not more than eight inches, and last space not more than twelve inches, and with the bottom strand not more than two inches from the ground anywhere along said fence so constructed, as to prevent deer, elk and other animals of like or kindred habits from escaping therefrom when left to their ordinary and natural surroundings and inclinations, shall have the right to kill any dog or dogs found therein chasing or annoying deer, elk or other animals of like or kindred habits enclosed therein, when said dog or dogs are unaccompanied by their owner.

Rights of park owners.

SEC. 2. That the owner or owners of any deer parks surrounded and enclosed as specified in section one of this act, shall not be liable to the owner or owners of a dog or dogs that may be killed or wounded, when done within the restrictions set out in section one of this act.

Park owners not liable.

SEC. 3. That the owner or owners of the dog or dogs that shall do any damage to deer, elk or other animal of like or kindred habits enclosed in parks protected as specified in section one of this act by fences, either by killing or wounding said deer, elk or other animal of like kindred habits is confined in such enclosed parks, or by chasing or annoying said deer, elk or other animal enclosed therein so as to cause said deer, elk or other animal to escape from said enclosed park, shall be liable to the owner or owners of said deer, elk or other animals so killed, wounded or caused to escape for all damages sustained.

Owners of dogs liable for damages.

SEC. 4. That deer, elk or other untamed animals within the meaning of this act, found within such enclosed parks as specified in section one of this act, shall be prima facie the property of the owner or owners of said parks: *Provided*, that this act shall not apply to any park or parks which may have any trap doors, inclines or other devices on the outside of said fence, by which deer or other like animals may enter except by gates or draw bars.

Animals, property of park owners.

Proviso: excepted parks.

SEC. 5. That this act shall apply to the county of Transylvania only.

Application of act.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.